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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,516	02/15/2001	Toshihiro Sugiura	ADACHI P202US	3294
20210	7590	08/24/2005	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/784,516

Applicant(s)

SUGIURA, TOSHIHIRO

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 9-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 9-11, and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 7/1/2005. Claims 1-3, 8 and 12 were canceled. Claims 4-7, 9-11, and 13-16 are pending in the instant application.

Claim Rejections - 35 USC § 112, First paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4-7, 9-11, and 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claims 4, 6, 10, and 13, it recites, "wherein bi-directional CATV system uses a first frequency band and a second frequency band for transmitting upward signals via a cable transmission path". The original specification does not describe claim limitation, cable transmission path.

Claims 5, 7, 9, 11, and 14-16 depend from claims 4, 6, 10, and 13 are therefore similarly rejected.

Claim Rejections - 35 USC § 112, Second paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-7, 9-11, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 4, 6, and 10, it is not clear if the bi-directional CATV system includes a wireless LAN system. Claims 4 and 10 recite “*the bi-directional CATV system uses a first frequency band and a second frequency band for transmitting upward signals*”. The specification defines that upward signals are transmitted from a terminal to the center equipment. In other words, the CATV system includes a wireless LAN system. Therefore, it is not clear what is meant by “*a wireless LAN system to be connected to a bi-directional CATV system*”.

Claims 5, 7, 9, 11, and 16 depend from claims 4, 6, and 10 are therefore similarly rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4-7, 9-11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bianchi et al (U.S 6587479), hereinafter referred to as Bianchi.

Re claims 4 and 6, Bianchi discloses a wireless LAN system to be connected to a bi-directional CATV system, comprising an access point capable of being accessed from at least one wireless terminal via a wireless access section through a wireless adapter (*modem*) (*figure 3, a wireless subscriber terminal is connected to a CATV plant through a cable access point (CAP)*), wherein the bi-directional system uses a first frequency band (*figure 7, 802.11 2.4 GHz or 5.8 GHz upward frequency band for communication between 802.11 access point in CAP and a wireless terminal*) and a second frequency band (*figure 2, 5-40 MHz upward frequency band for communication between CAP and head end access point (HAP)*) for transmitting upward signals via a cable transmission path; the bi-directional CATV system comprises a wireless transmission section for wireless transmitting of signals using a wireless frequency band in a transmission path between a center equipment of the bi-directional CATV system and the access point

(figure 2, 5-40 MHz frequency band for communication between CAP and head end access point (HAP)); the wireless LAN system includes a LAN frequency band distinct from the wireless frequency band; and the LAN frequency band is used for wireless transmitting of signal between the at least one wireless terminal and the access point (figure 7, 802.11 2.4 GHz or 5.8 GHz frequency band for communication between 802.11 access point in CAP and a wireless terminal).

Re claims 5, 7, and 11, Bianchi discloses the bi-directional CATV system comprising a downward signal frequency band used for transmitting downward signals via the cable transmission path *(figure 2, 50-750 MHz downward frequency band for communication between CAP and HAP)*; one of the first frequency band and the second frequency band is higher than the downward signal transmission frequency band *(the 2.4 GHz or 5.8 GHz upward frequency band is higher than the 50-750 MHz downward frequency band)*; and the other of the first frequency band and the second frequency band is lower than the downward signal transmission frequency band *(the 5-40 MHz upward frequency band is lower than the 50-750 MHz downward frequency band)*.

Re claims 9 and 16, Bianchi discloses a second access point connected to the wireless LAN system (a CAP is associated with each wireless LAN, column 2, lines 43-48).

Re claim 10, Bianchi discloses a wireless LAN system to be connected to a bi-directional CATV system, comprising an access point capable of being accessed from at least one wireless terminal via a wireless access section *(figure 3, a wireless subscriber terminal is connected to a CATV plant through a cable access point (CAP))*, wherein the

bi-directional system uses a first frequency band (*figure 7, 802.11 2.4 GHz or 5.8 GHz upward frequency band for communication between 802.11 access point in CAP and a wireless terminal*) and a second frequency band (*figure 2, 5-40 MHz upward frequency band for communication between CAP and head end access point (HAP)*) for transmitting upward signals via a cable transmission path; the bi-directional CATV system comprises a wireless transmission section for wireless transmitting of signals using a wireless transmission frequency band in a transmission path between a center equipment of the bi-directional CATV system and the access point (*figure 2, 5-40 MHz frequency band for communication between CAP and head end access point (HAP)*); the wireless LAN system includes a LAN frequency band distinct from the wireless frequency band; and the LAN frequency band is used for wireless transmitting of signal between the at least one wireless terminal and the access point (*figure 7, 802.11 2.4 GHz or 5.8 GHz frequency band for communication between 802.11 access point in CAP and a wireless terminal*). Bianchi discloses the CATV system comprising a wireless transmission section in an outside transmission path that potentially cause interference to the wireless access section of the wireless LAN (*outside of transmission between a terminal and the CAP*) between the CAP and a coupler (*a branching device for branching a lead-in wire from a transmission line of said bi-directional CATV system*) that couples power signal and the intermediate frequency signal energy from the translator to the CATV plant (column 5, lines 37-42).

Re claims 13-15, Bianchi discloses a wireless LAN system to be connected to a bi-directional CATV system, comprising an access point capable of being accessed from

at least one wireless terminal via a wireless access section (figure 3, *a wireless subscriber terminal is connected to a CATV plant through a cable access point (CAP)*), wherein the bi-directional system uses a first frequency band (*figure 7, 802.11 2.4 GHz or 5.8 GHz upward frequency band for communication between 802.11 access point in CAP and a wireless terminal*) and a second frequency band (*figure 2, 5-40 MHz upward frequency band for communication between CAP and head end access point (HAP)*) for transmitting upward signals via a cable transmission path; the bi-directional CATV system comprises a wireless transmission section for wireless transmitting of signals using a wireless frequency band in a transmission path between a center equipment of the bi-directional CATV system and the access point (*figure 2, 5-40 MHz frequency band for communication between CAP and head end access point (HAP)*); the wireless LAN system includes a LAN frequency band distinct from the wireless frequency band; and the LAN frequency band is used for wireless transmitting of signal between the at least one wireless terminal and the access point (*figure 7, 802.11 2.4 GHz or 5.8 GHz frequency band for communication between 802.11 access point in CAP and a wireless terminal*). The CAP and mobile computing equipment transmit and receive wireless signals (*the wireless transmission section comprises an antenna and a transmitter/receiver*). Bianchi discloses the bi-directional CATV system comprising a downward signal frequency band used for transmitting downward signals via the cable transmission path (*figure 2, 50-750 MHz downward frequency band for communication between CAP and HAP*); one of the first frequency band and the second frequency band is higher than the downward signal transmission frequency band (*the 2.4 GHz or 5.8 GHz*

upward frequency band is higher than the 50-750 MHz downward frequency band); and the other of the first frequency band and the second frequency band is lower than the downward signal transmission frequency band (the 5-40 MHz upward frequency band is lower than the 50-750 MHz downward frequency band).

Response to Arguments

8. Applicant's arguments filed 7/1/2005 have been fully considered but they are not persuasive.

On page 8 the Applicant argues that in Bianchi there is no section of transmission path having two concurrently operating upward frequencies. The Examiner respectfully disagrees. Bianchi clearly discloses two frequency bands for transmitting upward signals. The first frequency band is 2.4GHz or 5.8 GHz. The second frequency band is 5-40 MHz. The Applicant further argues that there is no section of transmission path in Bianchi where three concurrently operating frequencies are used. The Examiner respectfully disagrees. Bianchi clearly discloses two frequency bands for transmitting upward signals and one frequency band for transmitting downward signal. The first frequency band is 2.4GHz or 5.8 GHz. The second frequency band is 5-40 MHz. The third frequency band is 50-750 MHz. Therefore, the Examiner concludes that the rejection of claims stands.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

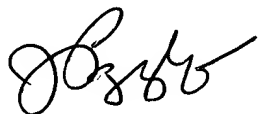
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
8/16/2005


JOHN PEZZLO
PRIMARY EXAMINER